

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALEJANDRO VELASQUEZ MENDOZA,

Plaintiff,

Case No. C22-924-TL-SKV

V.

MICKEY C. ALVIS, *et al.*,

Defendants.

ORDER DENYING PLAINTIFF'S
MOTION TO STRIKE

This is a civil rights action proceeding under 42 U.S.C. § 1983. Plaintiff has submitted to

the Court for consideration a motion seeking to strike as moot "any unnecessary verbiage of

assault and only proceed with Excessive Use of Force.” Dkt. 41. Defendants have not

responded in any fashion to Plaintiff's motion. The Court, having now reviewed Plaintiff's

motion, and the balance of the record, hereby finds and ORDERS as follows:

(1) Plaintiff's motion to strike (Dkt. 41) is DENIED. Plaintiff's motion is very

sparse. He requests only that “unnecessary verbiage” be stricken, without specifying where the

verbiage appears in the record and without explaining why he believes the requested relief is

necessary and/or appropriate. A review of the record reveals that Plaintiff's amended complaint

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1 contains allegations that Defendants assaulted him, and it is presumably this language which is
2 the subject of Plaintiff's motion. *See* Dkt. 8 at 7, 9. However, it is not clear how excising such
3 language from Plaintiff's pleading would substantively impact the excessive force claim
4 currently proceeding against Defendants. And, even if there were a substantive reason for
5 excising such language, the appropriate mechanism for doing so would be for Plaintiff to seek
6 leave to amend his complaint and to present a proposed amended pleading which omits the
7 language at issue, not to simply request that the language be stricken. As Plaintiff's request for
8 relief is without merit, his motion must be denied.

9 (2) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for
10 Defendants, and to the Honorable Tana Lin.

11 Dated this 22nd day of August, 2023.

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14 S. KATE VAUGHAN
United States Magistrate Judge

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